

Ser. No.: 10/807,281

Atty. Docket No.: 6579-0622

Art Unit: 3724

Amendment and Reply dated June 8, 2006

In Response to Office Action of March 8, 2006

REMARKS

Claims 1-43 are pending. Claims 1-33, 37-40 and 43 were withdrawn as being directed to non-elected species of the invention. As such, Claims 34-36, 41 and 42 were examined. Claims 34-36, 41 and 42 have been rejected by the Examiner under 35 U.S.C. §112, second paragraph, and under 35 U.S.C. §102(b). No claims were objected to and no claims were allowed.

By this Amendment and Reply, Claims 34, 36, 41 and 42 are amended, Claims 1-33, 37-40 and 43 are canceled and no claims are added. Accordingly, Claims 34-36, 41 and 42 are presented for further examination. Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Restriction Requirement:

In Section 1 of the Office Action the Examiner withdraws from consideration Claims 1-33, 37-40 and 43 as being drawn to non-elected groups or species of the invention. Accordingly, Applicants cancel Claims 1-33, 37-40 and 43 without prejudice to resubmit these claims in one or more divisional applications.

Objection to the Abstract:

In Section 2 of the Office Action the Examiner objects to the Abstract stating a reference to a Figure 1 needs to be removed. The Abstract has been amended with the Examiner's comment in mind. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the objection to the Abstract.

Amendments to the Specification:

In Section 3 of the Office Action the Examiner requests that Applicants review "the lengthy specification" for the presence of any errors. Applicants noted minor informalities in the Specification, for which amendments have been made. For example, subtitles have been added to conform the Specification to U.S. practice and minor typographical errors have been removed. No new matter was added.

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Rejection under 35 U.S.C. §112, second paragraph:

In Section 4 of the Office Action the Examiner rejects Claims 34-36, 41 and 42 under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter for which Applicant regards as its invention. More particularly, the Examiner states that the phrase "the region of the holding device" lacks antecedent basis in Claim 34; the phrase "in the plane defined by the cutting edge" is indefinite in Claim 36; and the phrase "the extent of which" is indefinite in Claim 41.

As noted above, Claims 34, 36 and 41 have been amended to clarify the subject matter for which Applicants regard as the invention. With respect to Claim 36, it is submitted that Claim 36, as now written, recites an exchangeable blade element including shearing blades having cutting edges. It is respectfully submitted that one skilled in the art would appreciate that cutting edges of the shearing blades define a plane and thus, the limitation clearly defines the scope of the instant claim.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of Claims 34-36, 41 and 42 under 35 U.S.C. §112, second paragraph.

Prior Art Rejection:

In Sections 5-6 of the Office Action the Examiner rejects Claims 34-36, 41 and 42 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,046,249 to Kawara et al. (Kawara et al.). This rejection is respectfully disagreed with, and is traversed below.

As noted in the Background Section of the instant application, Kawara et al. are merely seen to disclose a motor driven oscillating wet shaving razor having a three-part housing including a grip housing 110 and a shaver head 130 movably supported to the grip housing 110 by means of a damper member 170. See Kawara et al. at Col. 4, lines 30-36 and FIG. 3 (First Embodiment) and Col. 6, lines 45-55 and FIG. 9 (Second Embodiment). A number of perceived disadvantages of such conventional shaving devices are illustrated in the

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instant application, most notably, the relatively large number of components and resulting complex production methods, as well as the resulting limitations in design choices.

Without addressing the patentability of Claims 34-36, 41 and 42 as previously presented in view of Kawara et al., and merely to streamline prosecution of the present application, clarifying amendments have been made to Claims 34, 36, 41 and 42. In view thereof and contrary to the Examiner's statements, it is respectfully submitted that Kawara et al. do not show all the limitations of Claims 34-36, 41 and 42 as filed and as now written. For example, as now written, Claim 34 recites:

"34. A razor, in particular for wet shaving, comprising:
a unitary body having a handle region, a head region and a neck region located between the handle region and the head region, and
functional components at least partly arranged within the unitary body and comprise an electrically operated vibration device for producing vibrations in the head region and an electrical supply device, having an energy store, for the vibration device, the head region having a holding device for an exchangeable blade element and the vibration device being arranged in the unitary body in proximity of the holding device."

It is respectfully submitted that Kawara et al. are not seen to expressly describe or suggest all of the limitations of independent Claim 34 as now written. In that independent Claim 34 is deemed allowable, the claims that depend from and further limit this independent claim, are deemed allowable.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of Claims 34-36, 41 and 42, as now written, under 35 U.S.C. §102(b) as being anticipated by Kawara et al.

In view of the foregoing, it is respectfully submitted that the present application is in condition for immediate allowance. Early and favorable action is hereby respectfully requested.

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Applicants believe that no fees are due with the submission of this Amendment and Reply. If, however, it is deemed that any fees are in fact due, they may be charged to Deposit Account No. 503342 maintained by Applicants' attorneys.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited. To expedite prosecution of this application to allowance, the Examiner is invited to call the undersigned attorney to discuss any issues relating to this application.

Respectfully submitted,
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